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STATUTORY INSTRUMENTS

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**1993 No. 1704**

**LAND REGISTRATION, ENGLAND AND WALES**

**The Land Registration (Charities) Rules 1993**

*Made* - - - - *8th July 1993*  
*Laid before Parliament* *9th July 1993*  
*Coming into force* - - *1st August 1993*

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(1), in exercise of the powers conferred on him by that section and sections 37 and 39 of the Charities Act 1993(2), hereby makes the following rules:

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Land Registration (Charities) Rules 1993 and shall come into force on 1st August 1993.

(2) In these Rules:

- (a) “the principal rules” means the Land Registration Rules 1925(3);
- (b) a rule referred to by number means the rule so numbered in the principal rules.

**Amendment of rule 1**

2.—(1) In rule 1 of the principal rules the following paragraphs shall be substituted for paragraphs (5D) and (5F):

“(5D) “Charity” and “charity trustees” have the same meaning as in sections 96 and 97(1) of the Charities Act 1993 respectively.

(5F) “Exempt charity” has the same meaning as in section 96 of the Charities Act 1993.”

(2) In rule 1 of the principal rules the following paragraph shall be inserted after paragraph (5F):

“(5G) “Trusts” in relation to a charity has the same meaning as in section 97(1) of the Charities Act 1993.”

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(1) 1925 c. 21; section 144 was amended by paragraph (d) of Schedule 5 to the Administration of Justice Act 1982 (c. 53) and the reference to the Ministry of Agriculture Fisheries and Food was substituted by the Transfer of Functions (Ministry of Food) Order 1955 (S.I.1955/554).  
(2) 1993 c. 10.  
(3) S.R. & O 1925/1093; relevant amending instrument is S.I. 1992/3005.

## New rule 60

3.—(1) The following rule shall be substituted for rule 60:

### “Applications for first registration of land held by or in trust for a charity

**60.**—(1) Any application under sections 4 and 8 of the Act for first registration of land held by or in trust for a charity shall be made by the charity trustees or, where the charity is a company or other body corporate, by that company or other body corporate.

(2) Paragraph (1) above applies to an application for the registration as proprietor of:

- (a) the charity trustees;
- (b) the charity;
- (c) the official custodian;
- (d) any other trustee for the charity.

(3) Where the person to be registered as proprietor is the official custodian, there shall be produced to the registrar:—

- (a) a certified copy of the order of the court made under section 21(1) of the Charities Act 1993; or
- (b) a certified copy of an order of the Charity Commissioners made under sections 16 or 18 of the Charities Act 1993; or
- (c) a statement by the solicitor to the charity as to the statute which vested the land in the official custodian;

and in every case the address of the charity trustees shall be given to the registrar and, if so desired, the address of the official custodian, for the purposes of rule 315 (addresses for service of notices).

(4) Where the charity trustees have been incorporated under Part VII of the Charities Act 1993 the trustees shall produce to the registrar with the application a certified copy of the certificate granted by the Charity Commissioners under section 50 of that Act.

(5) Where the charity is subject to the provisions of the Universities and College Estates Acts 1925 and 1964(4) the application shall be accompanied by a certificate to that effect.

(6) Where the charity trustees, the charity, the official custodian or other trustees for the charity are registered as proprietor the registrar shall enter the appropriate restriction in the register.

(7) In this rule the appropriate restriction means:—

- (a) in the case of a charity which is not an exempt charity, a restriction in form 12;
- (b) in the case of an exempt charity which is not subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12A;
- (c) in the case of an exempt charity which is subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12B;
- (d) where the title concerned is a rentcharge, a restriction in form 12C;
- (e) in the case of land vested in the official custodian under section 18 of the Charities Act 1993, a restriction in form 12D.”

(2) Forms 12, 12C and 12D in the Schedule to these rules shall be substituted for Forms 12, 12C and 12D in the Schedule to the principal rules.

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(4) 1925 c. 24 and 1964 c. 51.

#### **New rule 61**

4. The following rule shall be substituted for rule 61:

**“Statements to be contained in instruments effecting a disposition in favour of a charity**

**61.** The statement required by section 37(5) of the Charities Act 1993 to be inserted into any conveyance, lease or other instrument to which section 123(1) of the Act applies and which will result in land being held by or in trust for a charity shall be in the following form:

“The land conveyed [or as the case may be] will, as a result of this conveyance [or as the case may be], be held by or in trust for the [named] charity and either the charity is an exempt charity or the charity is not an exempt charity and the restrictions on disposition imposed by section 36 of the Charities Act 1993 will apply to the land (subject to subsection (9) of that section).”

#### **New rule 62**

5. The following rule shall be substituted for rule 62:

**“Statements to be contained in instruments effecting a disposition by a charity**

**62.** The statement required by section 37(1) of the Charities Act 1993 to be inserted into any conveyance, lease or other instrument to which section 123(1) of the Act applies effecting a disposition of unregistered land held by or in trust for a charity shall be in the following form:

“The land conveyed [or as the case may be] is held by or in trust for a charity by the vendor [or as the case may be] and the charity is an exempt charity or the charity is not an exempt charity and the conveyance [or as the case may be] is one falling within paragraph [(a), (b) or (c) as the case may be] of subsection (9) of section 36 of the Charities Act 1993 or the charity is not an exempt charity and the restrictions on disposition imposed by section 36 of the Charities Act 1993 apply to the land (subject to subsection (9) of that section).”

#### **New rule 122**

6. The following rule shall be substituted for rule 122:

**“Dispositions in favour of a charity**

**122.—(1)** A disposition or dealing in favour of a charity shall comply with this rule.

(2) The statement required by section 37(5) of the Charities Act 1993 to be inserted into any instrument effecting a disposition which will result in the land being held by or in trust for a charity shall be in the following form:

“The land transferred [or as the case may be] will, as a result of this transfer [or as the case may be], be held by or in trust for the [named] charity and either the charity is an exempt charity or the charity is not an exempt charity and the restrictions on disposition imposed by section 36 of the Charities Act 1993 will apply to the land (subject to subsection (9) of that section).”

(3) Where the charity trustees have been incorporated under Part VII of the Charities Act 1993 they shall be described in the instrument effecting the disposition as:

“a body corporate under Part VII of the Charities Act 1993”

(4) Where the charity is subject to the provisions of the Universities and College Estates Acts 1925 and 1964 the instrument effecting the disposition shall contain the following statement:

“The provisions of the Universities and College Estates Acts 1925 and 1964 apply to the charity”.

### **New rule 123**

7. The following rule shall be substituted for rule 123:

#### **“Applications for the registration of dispositions or dealings with titles to be held by or in trust for a charity**

**123.**—(1) Any application to register a disposition of land under sections 19, 22 or 26 of the Act which, when registered, will be held by or in trust for a charity shall be made by the charity trustees or, where the charity is a company or other body corporate, by that company or other body corporate.

(2) Paragraph (1) above applies to an application for the registration of:

- (a) the charity trustees;
- (b) the charity;
- (c) the official custodian;
- (d) any other trustee for the charity.

(3) Where the person to be registered as proprietor is the official custodian, there shall be produced to the registrar:—

- (a) a certified copy of an order of the court made under section 21(1) of the Charities Act 1993; or
- (b) a certified copy of an order of the Charity Commissioners made under sections 16 or 18 of the Charities Act 1993,

and the address of the charity trustees shall be stated in the application and, if so desired, that of the official custodian, for the purposes of rule 315 (addresses for service of notices).

(4) Where the charity trustees have been incorporated under Part VII of the Charities Act 1993 the trustees shall produce to the registrar with the application a certified copy of the certificate granted by the Charity Commissioners under section 50 of that Act.

(5) Where the charity trustees, the charity, the official custodian or any other trustee for the charity, are registered as proprietor the registrar shall enter the appropriate restriction in the register.

(6) In this rule the appropriate restriction means:—

- (a) in the case of a charity which is not an exempt charity, a restriction in form 12;
- (b) in the case of an exempt charity which is not subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12A;
- (c) in the case of an exempt charity which is subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12B;
- (d) where the title concerned is a rentcharge, a restriction in form 12C;
- (e) in the case of land vested in the official custodian under section 18 of the Charities Act 1993, a restriction in form 12D.

(7) The registrar may, before completing the registration, require the production of a certified copy of the charitable trust deed, will, statute, memorandum or articles of

association, order of the court or of the Charity Commissioners or other instrument or direction defining the trusts under which the title will be held.”

#### **New rule 124**

8. The following rule shall be substituted for rule 124:

**“Duties of charity trustees and others to make applications where a registered title is held by or in trust for a charity**

**124.**—(1) In this rule the expression “the appropriate restriction” has the same meaning as in rule 123(6).

(2) Where registered land not previously held by or in trust for a charity becomes so held, the charity trustees or the charity shall apply for the appropriate restriction to be entered.

(3) Where a registered proprietor is a company or other body corporate which becomes a charity it shall apply for the appropriate restriction to be entered.

(4) Where registered land is held by or in trust for a charity which becomes an exempt charity, the charity trustees or the charity shall apply for the appropriate restriction to be entered.

(5) Where, under rule 131, the registrar enters as proprietor a person who is or holds on trust for a charity the registrar shall also enter the appropriate restriction.

(6) Where in relation to a charity or charity trustees the Charity Commissioners have taken any action under the provisions of section 18(1), (2), or (4) of the Charities Act 1993 they may apply for the entry of a restriction in Form 12D on the register of any title held by or in trust for that charity.”

#### **New rule 128**

9. The following rule shall be substituted for rule 128:

**“Dispositions and other dealings by a charity**

**128.**—(1) A disposition or dealing by a charity shall comply with the requirements of this rule.

(2) The statement required by section 37(1) of the Charities Act 1993 to be inserted into any instrument effecting a disposition of registered land held by or in trust for a charity (other than a charge of registered land) shall be in the following form:

“The land transferred [or as the case may be] is held by or in trust for a charity by the proprietor and the charity is an exempt charity or the charity is not an exempt charity and the transfer [or as the case may be] is one falling within paragraph [(a), (b) or (c) as the case may be] of subsection (9) of section 36 of the Charities Act 1993 or the charity is not an exempt charity and the restrictions on disposition imposed by section 36 of the Charities Act 1993 apply to the land (subject to subsection (9) of that section).”

(3) The statement required by section 39(1) of the Charities Act 1993 to be inserted into any charge of registered land held by or in trust for a charity shall be in the following form:

“The land charged is held by or in trust for a charity by the proprietor and the charity is an exempt charity or the charity is not an exempt charity and the charge is one falling within subsection (5) of section 38 of the Charities Act 1993 or the charity is not an

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exempt charity and the charge is one to which the restrictions imposed by section 38 of the Charities Act 1993 apply.””

Dated 8th July 1993

*Mackay of Clashfern, C.*

## THE SCHEDULE

Rule 3(2)

**FORM 12**— Restriction applicable to a charity which is not an exempt charity.(Rules 60(7) and 123(6))

Except under an order of the registrar no disposition or dealing by the proprietor of the land is to be registered unless the instrument giving effect to it contains a certificate complying with section 37(2) or, in the case of a charge, with section 39(2) of the Charities Act 1993.

**FORM 12C**— Restriction applicable to a charity where the title concerned is a rentcharge.(Rule 60(7) and 123 (6))

Except under an order of the registrar no disposition or dealing by the proprietor of the rentcharge is to be registered unless (a) the instrument giving effect to it contains a certificate complying with section 37(2) or, in the case of a charge, with section 39(2) of the Charities Act 1993; or (b) the instrument is a transfer by way of release of a rentcharge under the provisions of section 40 of the Charities Act 1993; or (c) it is a redemption o a rentcharge under sections 8 to 10 of the Rentcharges Act 1977.

**FORM 12D**— Restriction applicable in the case of land vested in the official custodian under section 18 of the Charities Act 1993.(Rules 60(7) and 123(6))

Except under an order of the registrar no disposition or dealing with the land is to be registered or noted without the consent of the Charity Commissioners as required under the provisions of section 22(3) of the Charities Act 1993.

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

The Land Registration (Charities) Rules 1992 (“the 1992 Rules”) inserted new definitions of “charity”, “charity trustee”, “official custodian” and “exempt charity” in rule 1 of, and substituted new rules 60, 61, 62, 122, 123, 124, 128 in, the Land Registration Rules 1925 (“the 1925 Rules”). The 1992 Rules also substituted a new Form 12, and inserted new Forms 12A, 12B, 12C and 12D in the Schedule to the 1925 Rules. These changes took account of the Charities Act 1992 so far as that Act affected registration of title to land held by or in trust for charities and also provisions consequential on those remaining parts of the Charities Act 1960 which affected dealings with land.

These Rules further substitute new rules 60, 61, 62, 122, 123, 128 in the 1925 Rules and new Forms 12, 12C and 12D in the Schedule to the 1925 Rules to take account of the consolidation provisions of the Charities Act 1993. These Rules also amend the definitions of “charity” and “exempt charity” inserted in rule 1 of the 1925 Rules by the 1992 Rules and insert a new definition of “trusts”.